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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/216,036	12/18/98	WARREN R	97-904CIP1

TM02/1109

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EXAMINER	
MEHRPOUR, N	
ART UNIT	**PAPER NUMBER**
2682	

DATE MAILED: 11/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/216,036	Richard Waren
Examiner	**Group Art Unit**
Naghmeh Mehrpour	2682

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Information Disclosure Statement

1 The information disclosure statement filed reference listed in the information Disclosure submitted on 12/18/98, 4/18/00 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-8,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallinckrodt (US Patent Number 5,940,753) in view of Bond et al. (US Patent Number 3,836,969).

Regarding **Claims 1, 3, 5-6, 7, 8,** Mallinckrodt teaches a satellite communication system wherein,

a first satellite antenna 22 for receiving the return communication signal from the one of the plurality of satellites (See figure 1b, antenna on top of the car 22 is a small diameter and transmits wide beam signals to both satellites (62) and receive from one of the satellites 62, (Column 8 lines 44-53),

means for generating a return communication signal from each of the plurality of satellites, See figure 1b, return signal is shown generates from satellites (62(20)), and

a second large satellite antenna 42 for receiving the return communication signal from only one of the plurality of satellites (62(20)), (See figure 1b, the antenna 42 has a large diameter generate a narrow beam signal),

Mallinckrodt fails to teach that a satellite antenna repositioning system for repositioning the second antenna when the sun transits within the beamwidth of the second antenna, a receiver for receiving communication signals at one of the first and second antenna, the receiver including an antenna switch selector for selectively activating second antenna during periods when the sun transits within a beamwidth of the first antenna. However Bond teaches a satellite antenna repositioning system for repositioning the second antenna when the sun transits within the beamwidth of the second antenna (See figures 5a, 7, 9, Column 5 lines 23-50, Column 9 lines 35-54). Bond also teaches a receiver for receiving communication signals at one of the first and second antennas, the receiver including an antenna switch selector for selectively activating second antenna during periods when the sun transits within a beamwidth of the first antenna (Column 11 lines 7-14). Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of Bond to Mallinckrodt, in order for satellite system to avoid sun transit outage.

Regarding **Claims 2, 4,** Mallinckrodt teaches that a diameter of the second 42 and third 46 satellite antenna is greater than a diameter of the first satellite antenna 22 (See figure 1b, numerals 42, 46, 22).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Briskman (U.S Patent Number 6,0239,616) disclose satellite broadcast receiver system

Yi (U.S Patent Number 5,970,085) disclose method and receiver for coded satellite digital audio broadcasting

Bosch et al. (U.S Number 5,893,053) disclose system for transmitting radio signals from mobile terminals to provide space diversity for uplink signals via geostationary communication satellites

Rodeffer (U.S Number 5,585,804) Method for automatically positioning satellite dish antenna to satellites in a geosynchronous belt

Briskman et al. (U.S Number 5,485,485) disclose radio frequency broadcasting systems and methods using two low-cost geosynchronous satellites and heminspherical coverage antenna 5.5.

Any response to this action should be mailed to:

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or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-9508, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m to 5:00 p.m.

NMM

October 31, 2000

Reinhard Eisenzopf 11-6-00

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